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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,617	03/30/2001	William L. Thomas	UV-195	6039

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EXAMINER	
SALCE, JASON P	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/823,617	THOMAS ET AL.	
	Examiner	Art Unit	
	Jason P. Salce	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *57-63,65-90,92-109 and 128-139* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *57-63,65-90,92-109 and 128-139* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/11/2010 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 2/11/2010 is not in full compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been partially considered by the examiner. The Examiner notes that the Pierson reference listed is not a complete Patent Application Publication number.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 57-63, 65-74, 76-90, 92-103, 105-109, 128-130, 134-135 and 139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Armstrong et al. (U.S. Patent No. 7,017,173) in further view of Vogel (U.S. Patent No. 5,446,488).

Referring to claim 57, Inoue discloses an interactive media application to substitute pause-time content in place of media that is paused (**see Column 6, Lines 30-33 for substituting pause-time content in place of the media that is paused**), wherein the pause-time content is other than the paused media (**see Column 6, Lines 30-33 for substituting pause-time content being either another received program or a graphics screen**).

Inoue also discloses providing a user with the ability to pause the media and pausing the media at any time while the media is playing (**see Column 6, Lines 30-33 for pausing a video program**).

Inoue also discloses playing the pause-time content by substituting the pause-time content in place of the media whenever the media is paused (**see Column 6, Lines 30-33 for substituting pause-time content in place of the media that is paused**).

Inoue fails to teach determining media data associated with the pause-time content.

Armstrong media data associated with the determined pause-time content (**see Column 2, Line 63 through Column 3, Line 18**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the pause-time content display system, as taught by Inoue, to utilize the targeted pause-time content feature, as taught by Armstrong, for the purpose of providing demographically appropriate advertisement content (**see Column 5, Lines 26-32 of Armstrong**).

Inoue further discloses receiving media while pause-time content is being displayed (**see above**) and Armstrong teaching media data associated with the determined pause-time content (**see above**), but both references fail to teach determining whether media data associated with the determined pause-time content indicates that the user should be prevented from accessing a feature of the interactive media application.

Vogel discloses receiving media that further contains media data that indicates if a user should be prevented from accessing a feature of the interactive media application (**see Column 4, Line 50 through Column 5, Line 2**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the pause-time content system, as taught by Inoue and Armstrong, using the media data indicating whether commercials are prevented from being recorded, as taught by Vogel, for the purpose of providing a broadcaster to allow provision of an additional service, and source of additional revenue, not unlike pay-per-view service, at very little capital or running cost (**see Column 3, Lines 64-68 of Vogel**).

Referring to claim 58, Armstrong discloses that the media is previously recorded (**see Column 4, Lines 9-14 for the video server 122 storing recorded content streams**).

Referring to claim 59, Armstrong discloses that the interactive media application is implemented on user equipment (**see Figure 4 and Column 9, Line 27 through Column 10, Line 35 for the user equipment presenting the user interface/interactive media application to the viewer**) and wherein the media is video-on-demand media that is stored remote from the user equipment (**see Column 7, Lines 24-33**).

Referring to claim 60, see the rejection of claims 1 and 57.

Referring to claim 61, see the rejection of claims 58 and 59 and further note that Armstrong discloses allowing the interactive media application to access the pause-time content on-demand (**see Column 8, Line 1-20 for selecting advertisement data/pause-time content and retrieving the advertisement content on-demand**).

Referring to claims 62-63, see the rejection of claims 4-5.

Referring to claim 65, Armstrong discloses providing the user with the ability to rewind and fast-forward the media (**see Column 3, Lines 19-56**).

Referring to claim 66, Armstrong discloses that the media has associated media data and wherein the interactive media application uses the content of the media data to substitute pause-time content that is associated with the media (**see Column 5, Lines 7-61 for using associated data with the media (*demographic information and content-related information*) to determine the type of pause-time content to display during a pause command (Column 5, Line 62 through Column 6, Line 14)**).

Referring to claim 67, see the rejection of claim 14.

Referring to claim 68, Inoue discloses that the pause-time content is broadcast video (**see Column 6, Lines 30-33 and further note the Examiner's rebuttal above for pre-storing broadcast program segments to display before a resume command is issued by the user**).

Referring to claim 69, see the rejection of claim 11.

Referring to claim 70, Armstrong discloses that the media is a music program and wherein the pause-time content is associated with the music program (**see Column 7, Lines 24-28 for the video server providing music videos to the viewer and Column 13, Lines 29-32 for providing pause-time content that is associated with the media/music video programs**).

Referring to claim 71, see the rejection of claim 18.

Referring to claim 72, Armstrong discloses displaying an interactive overlay over the media that informs the user of options that are available (**see Figure 4 and Column 11, Line 44 through Column 12, Line 4**).

Referring to claim 73, Armstrong discloses providing rewind, pause, play and fast-forward options to the viewer (**see Column 3, Lines 19-56**).

Referring to claim 74, Inoue discloses that the media is near video-on-demand media (**see the rejection of claim 3**), and resuming play of the near video-on-demand media by playing a subsequent feed of the near video-on-demand media (**see Column 6, Lines 38-52 for resuming play from the recorded segment and also Column 6, Lines 53-62 for further resuming play from selecting a subsequent near video-on-demand channel (CH1-CH7)**).

Referring to claim 76, Armstrong discloses providing the user with the ability to personalize the pause-time content (**see Column 5, Lines 33-61 for using the user's personal profile to determine pause-time content**).

Referring to claim 77, Armstrong discloses providing the user the ability to select particular types of pause-time content to be presented by the interactive media application (**see display screen 420 in Figure 4 for presenting different types of pause-time content to display during a pause command**).

Referring to claim 78, Armstrong discloses that the pause-time content is a promotion (**see display screen 420 in Figure for the pause-time content being a promotion for goods or services**).

Referring to claim 79, Armstrong discloses providing the user to prevent particular types of pause-time content to be presented by the interactive media application (**see the rejection of claim 76 and further note that if the demographic profile information and content-related information are used to determine which pause-time content to display, then other pause-time content stored in the advertisement database is inherently being prevented from being displayed**).

Referring to claim 80, Armstrong discloses providing the user the ability to change the pause-time content that is playing (**see Figure 5 for selecting an object in step 514 and after processing the selected object at step 538, returning to step 512 to wait for another command, which can includes another object selection in step 514, therefore Armstrong selection of an additional pause-time content to display while the primary content stream/television program is paused**).

Referring to claim 81, see the rejection of claim 57.

Referring to claim 82, see the rejection of claims 58 and 59.

Referring to claim 83, Inoue discloses storing the previously recorded media (**see Column 3, Lines 60-65 for storing media transmitted by the near-video on demand system**).

Referring to claim 84, see the rejection of claims 58-59

Referring to claim 85, see the rejection of claims 58-59.

Referring to claim 86, Inoue teaches that the user equipment is further configured to store the pause-time content (**see Figure 1 and 2B of Inoue**).

Referring to claim 87, see the rejection of claims 58-59.

Referring to claim 88, see the rejection of claims 58-59.

Referring to claim 89, Inoue discloses providing the user with the ability to resume play of the paused media (**see Column 6, Lines 38-40 for resuming play of paused media**).

Referring to claim 90, Inoue discloses resuming play of the media at substantially the same point at which the media was paused (**see Column 7, Lines 49-52 for resuming play of a video program substantially before the point at which the pause was requested**).

Referring to claim 92, see the rejection of claim 65.

Referring to claim 93, Armstrong discloses media data that is associated with the media, wherein the user equipment is further configured to use the content of the media data to substitute the pause-time content that is associated with the media (**see Column 2, Line 63 through Column 3, Line 18**).

Referring to claims 94-95, Inoue discloses that the pause-time content is a graphic or that the pause time content is broadcast video (**see Column 6, Lines 30-33**).

Referring to claim 96, Inoue discloses that the media is a television program and wherein the pause-time content is associated with the television program (**see Column 6, Lines 30-33 and Column 5, Line 21 through Column 6, Line 11**).

Referring to claim 97, see the rejection of claims 58-59.

Referring to claim 98, see the rejection of claims 58-59.

Referring to claims 99-100, Inoue discloses that the user equipment is television equipment and a personal video recorder (**see Figure 1**).

Referring to claims 101-102, see the rejection of claims 72-73, respectively.

Referring to claim 103, see the rejection of claim 74.

Referring to claim 105, see the rejection of claim 76.

Referring to claims 106-107, Armstrong discloses providing the user to select particular types of pause-time content to be presented by the user equipment, wherein the type of pause-time content is an advertisement (**see Figure 4 and Column 3, Lines 4-18 and Column 9, Line 27 through Column 11, Line 23**).

Referring to claim 108, see the rejection of claim 79.

Referring to claim 109, Armstrong also provides the user with the ability to change the pause-time content that is playing (**see the rejection of claims 106-107**).

Referring to claims 128-129, Armstrong discloses accessing a database comprising channel information for available channels to identify the channel information for the particular channel (**see Column 9, Lines 33-61 and Column 9, Lines 27-67 and Figure 4 for accessing a database of information representing the items in a scene of a television program**).

Armstrong also discloses determining a genre associated with the television program from the channel information for the particular channel (**see Column 9, Lines 33-61 and Column 9, Lines 27-67 and Figure 4 for determining what types of items of a particular genre (*type of clothing, automobile or vacation spot*) to display when a scene in a television program has been paused**).

Armstrong also discloses automatically determining which of the plurality of pause-time content associated with the determined information (**see Column 4, Line 29 through Column 5, Line 25 for displaying the scene related advertisements based on the determination made above**).

Referring to claim 130, Inoue discloses recording the media while the media is paused (**see Figure 2B and Column 6, Lines 20-37**).

Referring to claim 134, Inoue, Armstrong and Vogel discloses all of the limitations of claim 57, but fails to teach displaying an indicator that specifies that the feature the user attempted to access is restricted.

The Examiner takes Official Notice that a message can be presented to the user notifying the user that a feature cannot be accessed.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system of Inoue, Armstrong and Vogel, using the messages, as taught by the Examiner's Official Notice, for the purpose of providing the

user a notification of what features he/she can and cannot access, thereby allowing the user to continue to access other features the user is permitted to access.

Referring to claim 135, see the rejection of claim 130.

Referring to claim 139, see the rejection of claim 134.

Claims 75 and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Armstrong et al. (U.S. Patent No. 7,017,173) in further view of Vogel (U.S. Patent No. 5,446,448) in further view of Banker et al. (U.S. Patent No. 5,357,276).

Referring to claim 75, Inoue, Armstrong and Vogel disclose all of the limitations in claim 74, but fail to teach displaying information while the near video-on-demand media is paused that displays the time remaining until the next feed of the near video-on-demand media will line up with the point at which the near video-on-demand media was paused.

Banker discloses this limitation at Figures 7B and 8, by displaying the information, "Movie Restarts in 9 Minutes" (**also note Column 12, Lines 24-38**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify display screen after a pause command has been issued, as taught by Inoue, Armstrong and Vogel, using the overlaid display timer, as taught by Banker, for the purpose of visually informing how much time is left before the

program can be restarted (**see Column 12, Lines 35-36 of Banker**) so that the purchased movie can be completely viewed and the user is not improperly charged for the entire movie.

Referring to claim 104, see the rejection of claim 75.

Claims 131-132 and 136-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Armstrong et al. (U.S. Patent No. 7,017,173) in further view of Vogel (U.S. Patent No. 5,446,448) in further view of Provisional Application 60/127,178 supporting the Vogel et al. reference (U.S. Patent No. 6,642,939).

Referring to claims 131-132, Inoue, Armstrong and Vogel disclose all of the limitations of claim 1, as well as Inoue teaching that the media is real-time media (**see Figures 2A-2B**), but fails to teach displaying the amount of time that has lapsed between the paused media and the real-time media in an overlay.

Vallone discloses displaying the amount of time that has lapsed between the paused media and the real-time media in an overlay (**see Figures 26-27 and Column 19, Line 28 through Column 21, Line 30**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the user interface, as taught by Inoue, Armstrong and Vogel, using the progress bar, as taught by providing a multimedia schedule

presentation system that communicates program schedule information to the user in a visually and intellectually intuitive manner (**see Column 1, lines 58-63 of Vallone**).

Referring to claims 136-137, see the rejection of claims 131-132, respectively.

Allowable Subject Matter

Claims 133 and 138 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/
Primary Examiner, Art Unit 2421

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Primary Examiner
Art Unit 2421

March 24, 2010